

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In RE:

LOTT, SANDRA K.,  
LOTT, KEVIN G.,

Debtors.

Case No.: 04-60832  
Chapter 7

**NOTICE OF MOTION AND MOTION OBJECTING TO EXEMPT PROPERTY**

TO: The United States Bankruptcy Court, the United States Trustee, the Debtors, the Debtors' attorney, and all parties who requested notice under Bankruptcy Rule 2002.

1. David G. Velde, Trustee of the bankruptcy estate of the above-named debtors moves the court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion at 10:00 a.m. on September 29, 2004, in US Bankruptcy Court, 204 US Courthouse 118 South Mill Street, Fergus Falls, Minnesota.

3. Any response to this motion must be filed and served not later than September 20, 2004, at 10:00 a.m., which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and legal holidays), or filed and served by mail not later than September 15, 2004, which is ten days before the time set for the hearing (excluding Saturdays, Sundays, and legal holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334. This proceeding is a core proceeding. The petition commencing this Chapter 7 case was filed on July 12, 2004. The case is now pending in this Court.

5. This motion arises under 11 U.S.C. § 522, and Bankruptcy Rule 4003 and Local Rule 4003-1(a). This motion is filed under Bankruptcy Rule 9014 and Local Rule 9013-1. Movant requests relief with respect to debtors' claims for exemption.

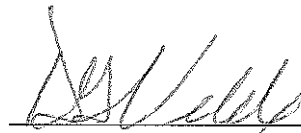
6. Debtors have claimed as exempt the following assets which the trustee objects to as follows: jewelry valued at \$1,000 claimed exempt under MSA §550.37(4)(b), mechanics tools valued at \$4,000, tool box valued at \$600, and two Z hoists valued at \$4,000 claimed exempt under MSA §550.37(6).

7. The trustee objects to the debtors' claim of exemption on the following basis: the jewelry is not a typical household item and therefore does not qualify as exempt under the cited statute. The tools belong to debtor Kevin Lott who has not demonstrated adequate engagement in the associated trade to warrant the exemption.

WHEREFORE, the Applicant moves the court for an order sustaining trustee's objection to claimed exempt property and such other relief as may be just and equitable.

Date:

9/1/04

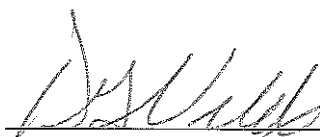


David G. Velde, Trustee  
1118 Broadway  
Alexandria, MN 56308  
(320) 763-6561

**Verification.** I, David G. Velde, the moving party named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Date:

9/1/04



David G. Velde

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In RE:

LOTT, SANDRA K.,  
LOTT, KEVIN G.,

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**ORDER**

At Fergus Falls, Minnesota, \_\_\_\_\_, \_\_\_\_\_.

Upon the Objection to Claimed Exempt Property filed by the Trustee and upon all the files and records of the proceedings herein,

IT IS ORDERED:

1. The debtors' jewelry claimed exempt under MSA §550.37(4)(b), mechanics tools, tool box, and two Z hoists claimed exempt under MSA §550.37(6) are not exempt.

\_\_\_\_\_  
Judge Dennis D. O'Brien  
US Bankruptcy Court

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF DOUGLAS    )

Julie A. Dolman, of the City of Alexandria, County of Douglas, in the State of Minnesota, being duly sworn, says that on the 2nd day of September, 2004, she served the attached Notice of Motion and Motion Objecting to Exempt Property and proposed Order, by electronically filing with:

US Bankruptcy Court  
204 PO Building  
118 S. Mill Street  
Fergus Falls MN 56537

and mailing to a copy thereof, enclosed in an envelope, postage prepaid, and by depositing same in the post office at Alexandria, Minnesota, directed to said at:

Habbo G. Fokkena  
US Trustee  
1015 US Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

Terry Graff  
Attorney at Law  
1001 Center Avenue, Suite H-1  
Moorhead, MN 56560-2080

Sandra Lott  
3515 Fifth Street South  
Moorhead, MN 56560

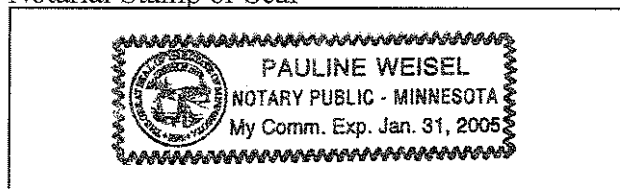
Kevin G. Lott OID #211262  
Challenge Incarceration Program  
MFC - Willow River  
86032 County Highway 61  
Willow River, MN 55795-9770


Wells Fargo Bank  
c/o Prenovost, Normandin, Bergh, & Dawe, A.P.C.  
2122 North Broadway, Suite 200-BK  
Santa Ana, CA 92706-2614

  
Julie A. Dolman

Subscribed and sworn to before me this 2nd day of September, 2004.

Notarial Stamp or Seal



  
Notary Public